

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

Pittsfield Development LLC,

Debtor.

Chapter 11

Bankruptcy No. 17-09513

Hon. Jacqueline P. Cox

Hearing Date: February 27, 2018

Hearing Time: 9:30 AM

**NOTICE OF MOTION TO DISALLOW
CLAIM 28-1 OF TAFT STETTINIUS & HOLLISTER**

Please take notice that on February 27, 2018 at 9:30 a.m. or as soon thereafter as counsel may be heard, the undersigned attorneys shall appear before the Honorable Jacqueline P. Cox, United States Bankruptcy Judge for the Northern District of Illinois, in Courtroom 680 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, and then and there shall present **Debtor's Motion to Disallow Claim No. 28-1 of Taft Stettinius & Hollister**, a copy of which is attached hereto and herewith served upon you.

January 25, 2018

Respectfully Submitted

Pittsfield Development LLC

By: /s/ William J. Factor
One of Its Attorneys

William J. Factor (6205675)
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CERTIFICATE OF SERVICE

I, William J. Factor, an attorney, hereby certify that on January 26, 2018, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice* and the accompanying *Claim Objection* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the below Service List.

/s/ William J. Factor

SERVICE LIST

Registrants in the Case
(Service via ECF)

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**DEBTOR'S MOTION TO DISALLOW CLAIM NO. 28-1
OF TAFT STETTINIUS & HOLLISTER LLP**

On August 16, 2017, Taft Stettinius & Hollister ("Claimant") filed Proof of Claim No. 28-1 against the Debtor (the "Taft Claim").¹ The Taft Claim asserts that Claimant is owed \$26,470.96 for legal services performed during 2016. The Taft Claim summarizes the amounts billed on various invoices, but does not attach any of the underlying invoices or any other information. It specifically does not include a retention agreement with the Debtor.

The Debtor objects to the Taft Claim and seeks an order disallowing it on two grounds primary grounds: (a) Claimant was not retained by the Debtor, but was retained by Pittsfield Hotel Holdings, LLC ("PHH") and thus the Debtor has no liability to Claimant and (b) even if the Debtor were somehow responsible for paying Claimant's legal fees, Claimant conceded in the correspondence attached as Exhibit 2 that it is owed no more than \$5,000.

The retention agreement and the invoices that Taft sent to PHH show that PHH, not the Debtor, retained Claimant to perform legal services. To the extent necessary, the Debtor will tender into the record such materials to establish that it is not liable for any amounts owed to Claimant. Claimant, as the originator of such documents, plainly has them in its possession.

¹A copy of Claim 28-1 is appended as Exhibit 1.

Further, and as noted in Exhibit 2, Claimant agreed in 2016 that it was owed no more than \$5,000, because it already received \$5,000 and it agreed to limit its fees to \$10,000, absent prior approval, which was never obtained. Thus, to the extent the Debtor has any liability to Claimant, the maximum amount is \$5,000.

Based upon the foregoing, Claim No. 28-1 should be disallowed in its entirety.

WHEREFORE, Pittsfield Development respectfully requests that the Court enter an Order in the form of that appended hereto disallowing Claim 28-1 and providing such further relief as is just and proper.

January 26, 2018

Respectfully Submitted

Pittsfield Development LLC

By: /s/ William J. Factor
One of Its Attorneys

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